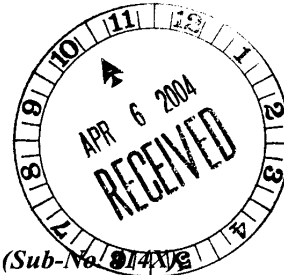


April 5, 2004

Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

210503



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 814108)  
The Burlington Northern and Santa Fe Railway Company  
Abandonment of Lookout, California to Hambone, California**

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Michael A. Smith  
Senior Counsel  
Direct 312.360.6724  
Fax 312.360.6598  
msmith@  
freebornpeters.com

Dear Ms. Rutson:

On or after April 23, 2004, we are filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 33.77 miles of railroad line between M.P. 0.00 near Lookout, California to M.P. 33.77 near Hambone, California, which traverses through United States Postal ZIP Codes 96054 and 96056 in Modoc County, California and Siskiyou County, California. Attached are ten copies plus the original of the Environmental and Historic Report describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

*Chicago*

*Springfield*

Sincerely,

Michael A. Smith

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Office of Proceedings

APR - 6 2004

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Public Record

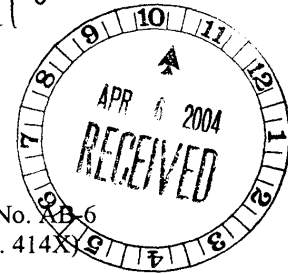
Enclosures

BEFORE THE  
SURFACE TRANSPORTATION BOARD

In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company Notice of Exemption  
to Abandon Its Line of Railroad  
Between M.P. 0.00 in Lookout, California  
and M.P. 33.77 in Hambone, California

ENTERED  
Office of Proceedings  
APR - 6 2004  
Part of  
Public Record

Docket No. AB-6  
(Sub No. 414X)



**ENVIRONMENTAL REPORT**

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 0.00 near Lookout, in Modoc County, California and M.P. 33.77 near Hambone, in Siskiyou County, California, total distance of 33.77 miles.

**(1) Proposed action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

**(2) Transportation system:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as the line is out of service and all overhead traffic has been rerouted..

**(3) Land Use:**

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with existing land use plans. The Modoc County Board of Supervisors and the Siskiyou County Board of Supervisors were notified by letters dated December 9, 2003. See Exhibits B and C. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

BNSF does not believe that prime agriculture will be affected by the proposed abandonment. The Natural Resource Conservation Service was notified by letters dated December 9, 2003. See Exhibits D and E. As of the date of this report, The Natural Resource Conservation Service has not responded. BNSF will provide the Board copies of any response it may receive.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

District and Forest recreation specialists are currently looking into the potential to use the railroad corridor as a recreational trail, perhaps in conjunction with trail systems that may be located on the adjacent Shasta National Forest. See Exhibit F, letter from the Modoc National Forest.

**(4) Energy:**

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service and all overhead traffic has been rerouted.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service and all overhead traffic has been rerouted.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy

consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service and all overhead traffic has been rerouted.

**(5) Air:**

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service and all overhead traffic has been rerouted.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then

state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service and all overhead traffic has been rerouted.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service and all overhead traffic has been rerouted.

**(6) Noise:** If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

**(7) Safety:**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are eight public crossings and eight private crossings. During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

BNSF is not aware of any evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

**(8) Biological resources:**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

BNSF does not believe the proposed abandonment will affect endangered or threatened species or areas designated as critical habitat. Surveys for threatened, endangered and sensitive species (TES) have not been conducted in the project area. There is a possibility of bald eagles nesting in the area that would necessitate either a limited operating period

to preclude project operations during nesting months, or a survey to determine if indeed the species utilizes the impact area. See Exhibit F, letter from the Modoc National Forest.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF believes the proposed abandonment will have no effect on wildlife sanctuaries, refuges, National or State parks or forests. The proposed project impact area that crosses the Modoc National Forest does not include any established wildlife sanctuaries or refuges. See Exhibit F, letter from the Modoc National Forest.

**(9) Water:**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The only requirement the California Regional Water Quality Control Board is concerned with might be a General NPDES Construction Stormwater Permit. See Exhibit G, letter from the California Regional Water Quality Control Board. If any such permits may be needed for salvage operations, salvage contractors shall be required to obtain them.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The proposed abandonment may be within the jurisdiction of the U.S. Army Corps of Engineers and a permit may be required. See Exhibit



H, letter from the Army Corps of Engineers. BNSF believes that the proposed abandonment will not affect the 100-year floodplains. Siskiyou County is not required to make floodplain determinations. See Exhibit I, letter from Siskiyou County Department of Public Works.

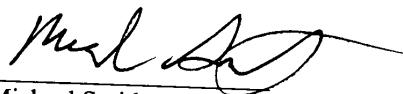
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

A General NPDES Construction Stormwater Permit may be required. The Storm Water Permit is required for construction activities where clearing, grading, filling and excavation result in a land disturbance of one or more acres. Construction activities that result in a land disturbance of less than one acre, but are part of a larger common plan of development, may also require a permit. See Exhibit G, letter from the California Regional Water Quality Control Board.

**(10) Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a stylized flourish extending to the right.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: April 1, 2004

BEFORE THE  
SURFACE TRANSPORTATION BOARD

In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company Notice of Exemption  
to Abandon Its Line of Railroad  
Between M.P. 0.00 in Lookout, California  
and M.P. 33.77 in Hambone, California

Docket No. AB-6  
(Sub No. 414X)

**HISTORICAL REPORT**

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 0.00 near Lookout, California to M.P. 33.77 near Hambone, California, total distance of 33.77 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the California State Historical Society and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The Lookout to Hambone, California line served as a connector line between BNSF and the McCloud Railway (MCR) handling overhead traffic up until the line was

no longer needed for this purpose in December, 2003. At that time BNSF and Union Pacific Railroad (UP) implemented a haulage agreement whereby UP would haul BNSF cars between Klamath Falls, Oregon and Mount Shasta, California for interchange with the MCR. The traffic which used to use the Lookout to Hambone line is now using an alternate route but is still being handled by BNSF.

The Lookout to Hambone line runs in a generally east - west direction for approximately 34 miles in an area of northern California that has very low population density and is generally forested. There are no population figures for the stations along the line including Lookout, Whitehorse, Siding #1 and Hambone. Timber harvesting and mineral extraction are the main industrial uses of the land in the general area of the line. The rail line varies in width from 100 to 200 feet.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There is one bridge that is 50 years or older in the immediate area of the abandonment. Photographs of the bridge is attached to this report. See Exhibit J.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The bridge was constructed in 1940.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by the Great Northern Railway (GN) and the Western Pacific Railroad (WP) between 1931 and 1933. The GN merged in 1970 with other railroads to become part of the Burlington Northern Railroad (BN). In 1995 BN

merged with The Atchison Topeka and Santa Fe Railway (ATSF) to become The Burlington Northern and Santa Fe Railway Company (BNSF). The WP was acquired by the UP in the latter part of the 20th century.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);


To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF is not aware of any unique sites or structures with significant historical associations. The California Office of Historic Preservation has requested: (1) an establishment of an Area of Potential Effects (APE) for the project that will determine the scope of the undertaking and its potential historic properties, (2) identification of information on any historic properties that may be affected by the project, and (3) an archaeological record search of the project area. See Exhibit K, letter from the California Office of Historic Preservation. When a response is received it will be forwarded to the Surface Transportation Board and the California Office of Historic Preservation. The project appears to be located in areas considered to be highly sensitive

for prehistoric, protohistoric and historic cultural resources. The Northeast Center of the California Historical Resources recommends that professional archeologist be contacted to conduct an archeological survey of the project area, and assess the significance of portions of the railroad to be abandoned. See Exhibit L, letter from the Northeast Information Center of the California Historical Resources.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

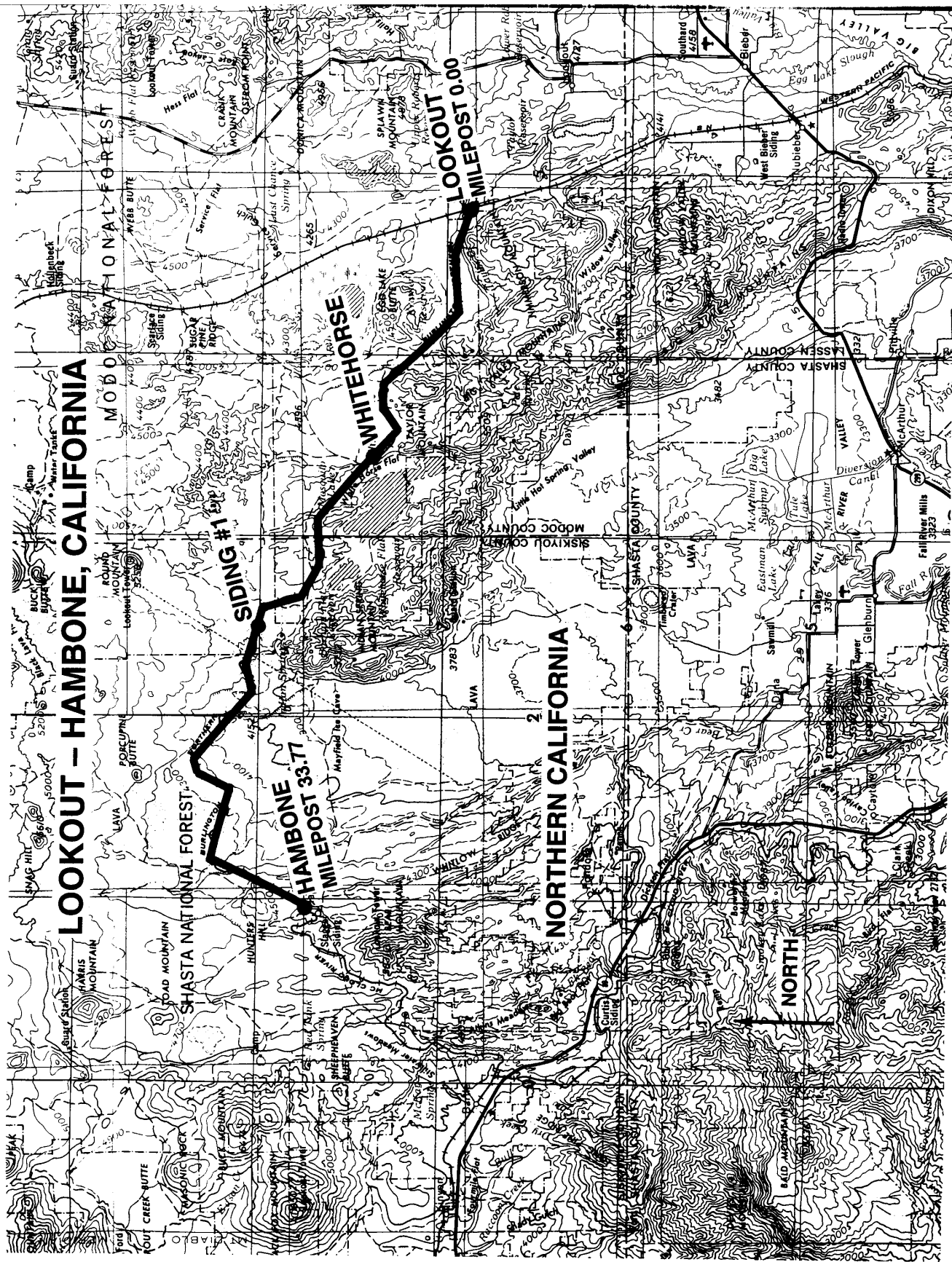


Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: April 1, 2004

A

# LOOKOUT - HAMBONE, CALIFORNIA



## NORTHERN CALIFORNIA

NORTH



B

Freeborn & Peters LLP

December 9, 2003

Mike Dunn  
County Supervisor, Chair, District 2  
Modoc County Board of Supervisors  
204 Court Street  
County Courthouse  
Alturas, CA 96101-0130

**Re:   *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Lookout, California to Hambone, California***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

Dear Mr. Dunn:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 33.77 miles of railroad line between M.P. 0.00 in Lookout, California to M.P. 33.77 in Hambone, California.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,

  
Brian Nettles

/bn  
Enclosure

C

Freeborn & Peters LLP

December 9, 2003

LaVada Erickson  
County Supervisor, Chair, District 2  
Siskiyou County Board of Supervisors  
P.O. Box 338  
Siskiyou County Courthouse  
Yreka, CA 96097-0338

**Re:    *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Lookout, California to Hambone, California***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

Dear Ms. Erickson:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 33.77 miles of railroad line between M.P. 0.00 in Lookout, California to M.P. 33.77 in Hambone, California.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

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Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

D

Freeborn & Peters LLP

December 9, 2003

Natural Resources Conservation Service  
Alturas Service Center  
802 W 12th Street  
Alturas, CA 96101-3132

**Re:    *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Lookout, California to Hambone, California***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 33.77 miles of railroad line between M.P. 0.00 in Lookout, California to M.P. 33.77 in Hambone, California.

As part of the environmental report BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information by January 9, 2004. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

E

Freeborn & Peters LLP

December 9, 2003

Natural Resources Conservation Service  
Yreka Service Center  
215 Executive Ct Suite A  
Yreka, CA 96097-2629

**Re:    *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Lookout, California to Hambone, California***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 33.77 miles of railroad line between M.P. 0.00 in Lookout, California to M.P. 33.77 in Hambone, California.

As part of the environmental report BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information by January 9, 2004. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure



F



United States  
Department of  
Agriculture

Forest  
Service

Modoc National Forest

800 West 12<sup>th</sup> Street  
Alturas, CA 96101  
(530) 233-5811  
TTY (530) 233-8708

File Code: 1950

Date: January 22, 2004

Brian Nettles  
Paralegal  
Freeborn and Peters LLP  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677

Dear Mr. Nettles:

Reference the Burlington Northern and Santa Fe Railway Company Abandonment of Lookout, California to Hambone, California

Thank you for your recent letter regarding BNSF plans to file a Notice of Exemption with the Surface Transportation Board for authority to abandon railroad line between Lookout and Hambone, California. A section of that line lies on a portion of the Big Valley District of the Modoc National Forest.

The proposed project impact area that crosses the Modoc National Forest does not include any established wildlife sanctuaries or refuges. However, surveys for threatened, endangered and sensitive species (TES) have not been conducted in the project area. There is a possibility of bald eagles nesting in the area that would necessitate either a limited operating period to preclude project operations during nesting months, or a survey to determine if indeed the species utilizes the impact area. Survey for TES plant species would also be required should the project surface impact extend beyond the extent of the BNSF right-of-way.


The railroad line is of historic interest as well. A history of the building and use of the railroad should be provided in the environmental report and should include such information as when the line was built, periods of use, purpose for which line was installed, and when the line was taken out of active use.

District and Forest recreation specialists are currently looking into the potential to use the railroad corridor as a recreation trail, perhaps in conjunction with trail systems that may be located on the adjacent Shasta National Forest.

Please keep us informed on the environmental report and the abandonment project. If there is a time frame within which we will need to provide additional information regarding the potential recreational use, let us know that as well. Please contact Jayne Biggerstaff at (530) 233-8740 or at [jbiggerstaff@fs.fed.us](mailto:jbiggerstaff@fs.fed.us) if you have questions.

Thank you again for keeping us informed.

Sincerely,

  
STANLEY G. SYLVA  
Forest Supervisor

cc: Laurence Crabtree, Ken Romberger, Gerry Gates, Jessie Berner, Bill Tierney



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G



# California Regional Water Quality Control Board

## Central Valley Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

**Redding Office**  
415 Knollcrest Drive, Suite 100, Redding, California 96002  
Phone (530) 224-4845 • FAX (530) 224-4857  
<http://www.swrcb.ca.gov/rwqcb5>

**Arnold Schwarzenegger**  
Governor

12 January 2004

Brian Nettles  
c/o Freeborn & Peters LLP  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606

### **BURLINGTON NORTHERN AND SANTA FE RAILWAY CO., ABANDONMENT OF LOOKOUT TO HAMBONE RAILROAD LINE**

We have received your letter of 9 December 2003 requesting information about possible regulatory requirements for the referenced rail abandonment.

The only requirement as far as our agency is concerned might be a General NPDES Construction Stormwater Permit.

#### Construction Storm Water Permit

The Storm Water Permit is required for construction activities where clearing, grading, filling, and excavation result in a land disturbance of one or more acres. Construction activities that result in a land disturbance of less than one acre, but are part of a larger common plan of development, also require a permit. The Permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential pollutants (such as sediment and earthen materials, chemicals, construction materials, etc...) and to describe practices to eliminate or reduce those pollutants from entering surface waters. The Construction Storm Water Permit can be obtained from the Redding office or the State Water Resources Control Board's website at:  
[www.swrcb.ca.gov/stormwtr/construction.html](http://www.swrcb.ca.gov/stormwtr/construction.html)

It is quite possible that you would not require such a Permit, and if you would like further clarification please telephone me at (530) 224 4859 or Carole Crowe at (530) 224 4849.

James F. Rohrbach  
Water Resources Control Engineer

JFR:kms

**California Environmental Protection Agency**



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H





**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
333 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2197

REPLY TO

January 22, 2004

Regulatory Branch

SUBJECT: File Number: 28510N

Mr. Brian Nettles  
Freeborn and Peters LLP  
331 South Wacker Drive Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This letter is in response to a request for comments concerning your project to abandon 33.77 miles of the Burlington Northern railroad line by your notice, dated December 9, 2003. Your project is located near tributaries to Bear Creek between rail mile posts 0.00 and 33.77 Hambone, California. Since this activity may involve a discharge of dredged or fill material into wetlands or other water of the U.S., the Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction and a permit may be required. Application for Corps authorization should be made to this office using the application form in the enclosed pamphlet. To avoid delays it is essential that you enter the file number 28510N into Item No. 1. The application must include plans showing the location, extent, and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your work, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

Please note that your project spans the boundary between San Francisco and Sacramento District. This letter is only applicable to the portion of the project the project within the Siskiyou County and the San Francisco District. We are forwarding a copy of your correspondence to Mr. Matthew Kelly of the Sacramento District. Should you have any questions regarding this matter, please call Kelley Reid of our Regulatory Branch at 707-443-0855. Please address all correspondence to the Regulatory Branch and refer to the file number 28510N.

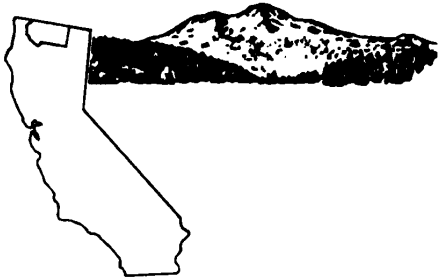
Sincerely,

Jane M. Hicks  
Chief, North Section

Enclosures



I



*Siskiyou County*

DEPARTMENT OF PUBLIC WORKS

305 BUTTE STREET  
YREKA, CALIFORNIA 96097  
PHONE (530) 842-8250  
FAX (530) 842-8288

**Brian D. McDermott**  
Director

**Scott Sumner**  
Deputy Director

January 6, 2004

Brian Nettles  
Freeborn & Peters, LLP  
311 South Wacker Drive  
Chicago, IL 60606

**RE: Will BNSF Abandonment of Lookout to Hambone, California, Affect Any  
100-Year Floodplains?**

Dear Mr. Nettles:

Siskiyou County is not required to make floodplain determinations. Numerous companies exist that, for a nominal fee, will provide this information, or, a private engineer or surveyor can answer your question.

We have reviewed the railroad line indicated on the map submitted to us for proximity to FEMA Flood Insurance Rate Map (FIRM) defined floodplains. It appears those FIRM's applicable to this project include panel numbers 060362 1475 B, 060362 1250 B (panel not printed), and 060362 1225 B. You may view these panels, including the entire United States, by logging-on to [fema.gov](http://fema.gov) and working from the FEMA Flood Map Store.

We hope this information will prove sufficient. If you require further assistance please contact us.

Sincerely,

Brian M<sup>C</sup>Dermott  
Director

Neal Scott  
Junior Civil Engineer

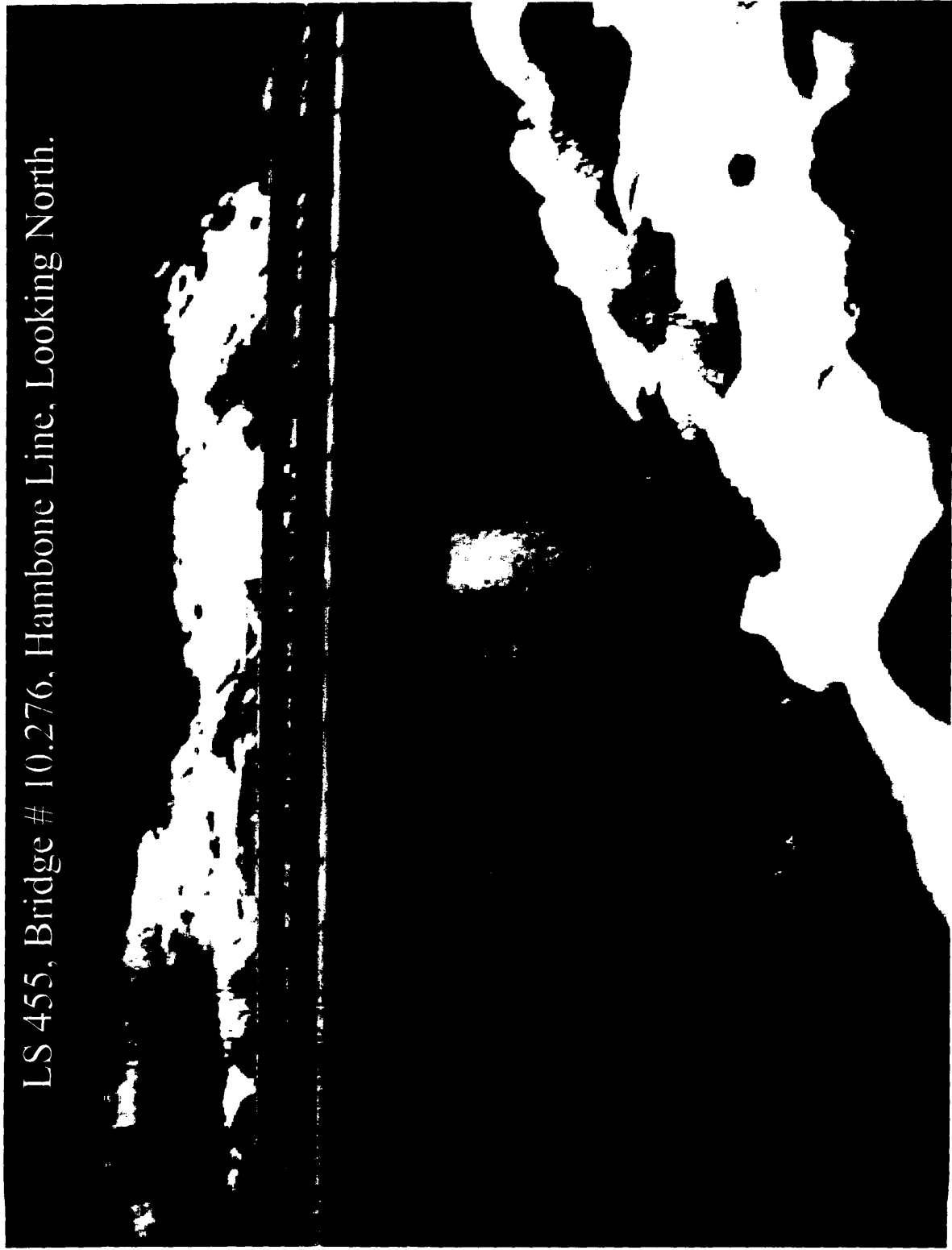
J

**Abandonment Documentation (M.P. 0.00 to M.P. 33.77)**

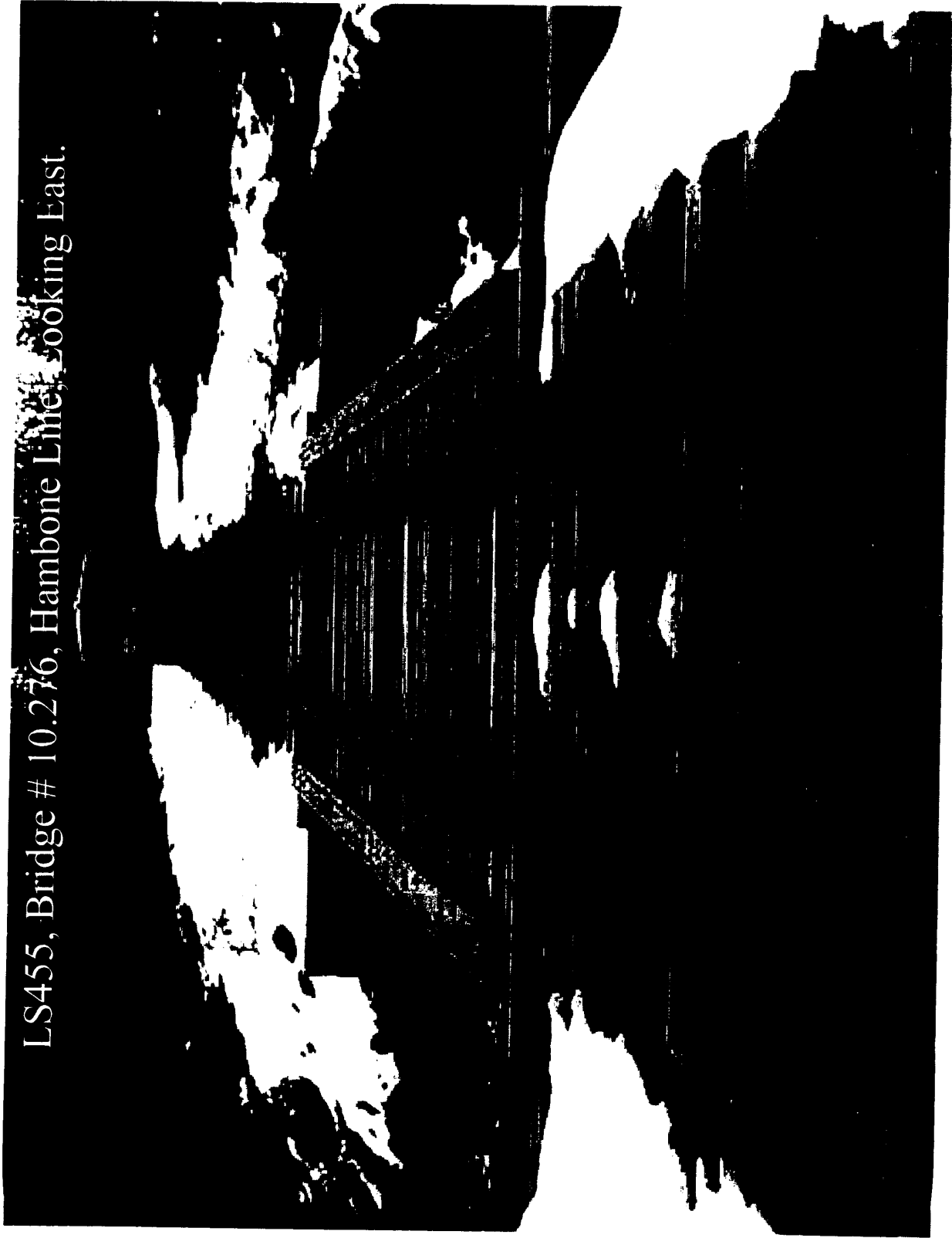
List of Bridges

Bridge:	10.276	Built:	1940	Length:	28'	Height:	7'	Description:	3FT	Obstacle:	Haug Creek
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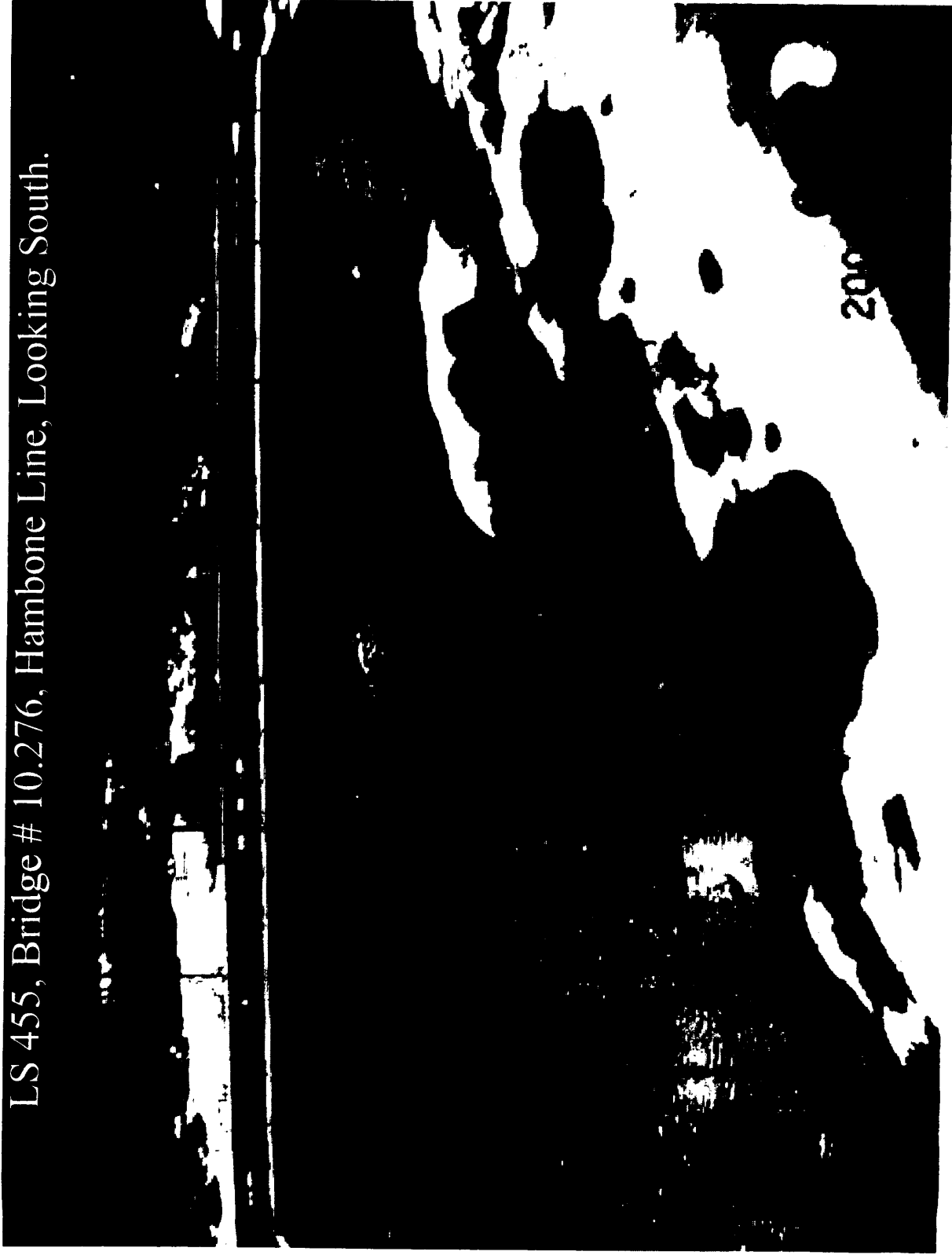
LS 455, Bridge # 10.276, Hambone Line, Looking North.



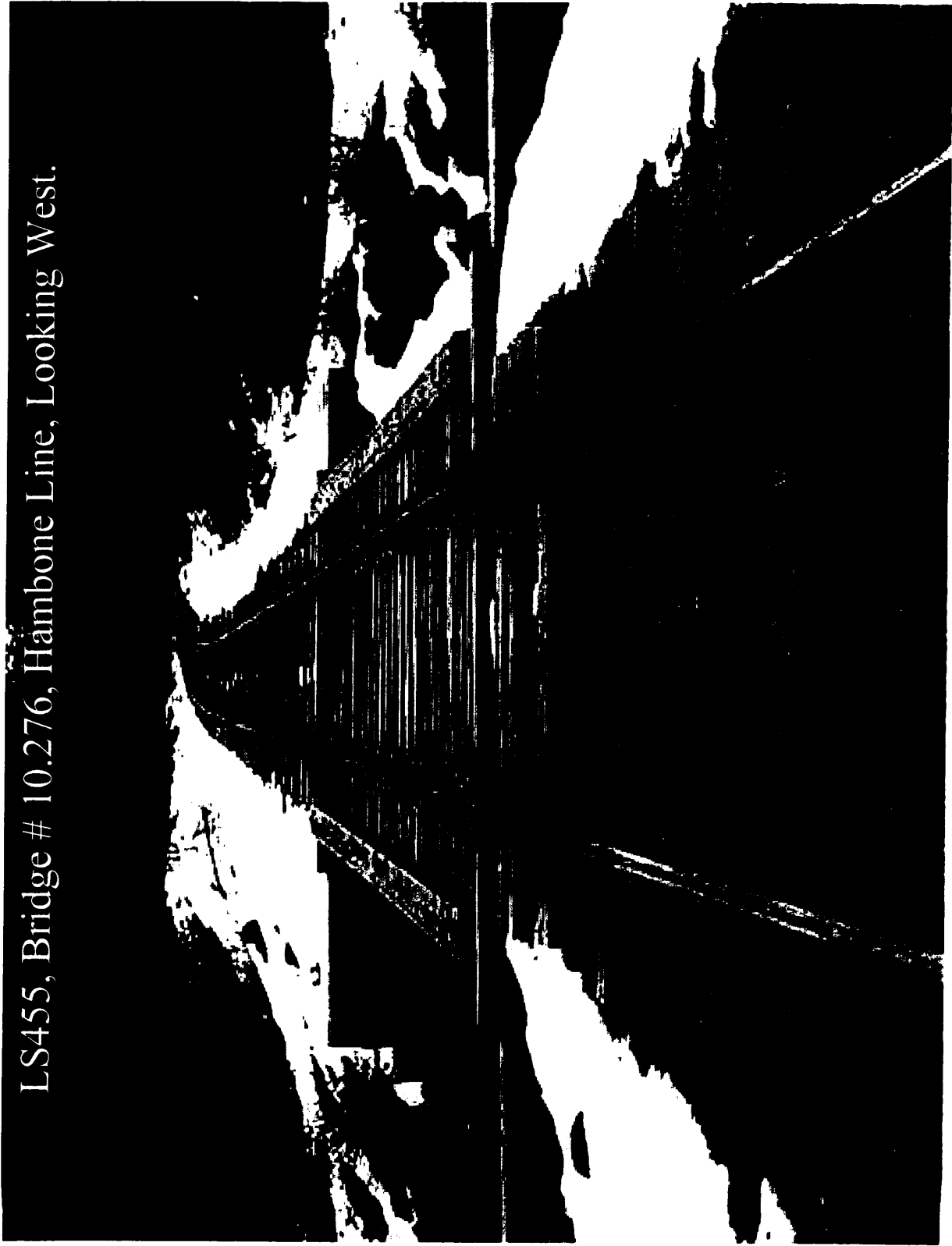
LS455, Bridge # 10.276, Hambone Line, Looking East.



LS 455, Bridge # 10.276, Hambone Line, Looking South.



LS455, Bridge # 10.276, Hambone Line, Looking West.





K

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov  
www.ohp.parks.ca.gov



December 24, 2003

REPLY TO: STB031212A

Brian Nettles  
Freeborn & Peters LLP  
311 South Wacker Drive, Suite 3000  
CHICAGO ILL 60606-6677

Dear Mr. Nettles:

Thank you for submitting to our office, on behalf of the U.S. Surface Transportation Board (STB), your December 11, 2003 letter and supporting documentation regarding the proposed abandonment of 33.77 miles of Burlington Northern and Santa Fe (BNSF) Railway Company railroad line between Mile Post (M.P.) 0.00 in Lookout, California to M.P. 33.77 in Hambone, California. THE BNSF rail line segment is considered surplus and will no longer be used by the company for rail freight travel and other commercial uses. STB has identified one bridge structure along the alignment that is 50 years of age or older. No other information was provided on potential cultural resources in the project area.

STB is seeking my comments on the effects the proposed project will have on historic properties in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. A review of the submitted documentation leads me to recommend that STB do the following to fulfill its responsibilities for the identification and evaluation of historic properties for this project as set forth in 36 CFR 800:

- Establish an Area of Potential Effects (APE) for the project that will determine the scope of the undertaking and its potential to effect historic properties
- Identify and provide information on any historic properties that may be affected by the project and gather sufficient information to evaluate the eligibility of these properties for the National Register of Historic Places (NRHP). This information should include information on the age of the property, its historical significance, if any, as well as historical and/or current photographs of the property.
- Contact Ms. Amy Huberland of the Northeast Information Center, California State University, Chico to request an archeological record search of the project area. Ms. Huberland can be contact by phone at (530) 898-6256, by fax at (530) 898-4413, or by e-mail at [neinfoctr@csuchico.edu](mailto:neinfoctr@csuchico.edu). Please forward any record search information you receive from the Information Center to me for my review and comment.

Thank you again for seeking my comments on your project. If you have any questions, please contact staff historian Clarence Caesar by phone at (916) 653-8902, or by e-mail at [ccaes@ohp.parks.ca.gov](mailto:ccaes@ohp.parks.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Knox Mellon", followed by a slanted line.

Dr. Knox Mellon,  
State Historic Preservation Officer

L

Northeast Center of the  
California Historical Resources  
Information System

BUTTE  
GLENN  
LASSEN  
MODOC  
PLUMAS  
SHASTA

SIERRA  
SISKIYOU  
SUTTER  
TEHAMA  
TRINITY

Anthropology, ~~Building 25~~ BUILDING 25  
California State University, Chico SUITE 201  
Chico, California 95929-0377  
(530) 898-6256  
*neinfocntr@csuchico.edu*

March 11, 2004

Freeborn & Peters LLP  
Attorneys at Law  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677  
ATTN: Mr. Brian Nettles

**I.C. File # D04-14**

RE: The Burlington Northern and Santa Fe Railway Company Abandonment of Lookout,  
California to Hambone, California  
T40N, R2E, Sections 2, 3, 9, 10, 16, 21  
T40N, R4E, Sections 1, 2  
T40N, R5E, Sections 5, 6, 8, 9, 15, 13, 14, 15, 22, 24  
T40N, R6E, Sections 19, 29, 30, 32, 33, 34, 35, 36  
T41N, R2E, Sections 35, 36  
T41N, R3E, Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 30  
T41N, R4E, Sections 19, 20, 27, 28, 29, 30, 34  
33.77 linear miles of railroad line  
Modoc and Siskiyou Counties

Dear Mr. Nettles,

In response to your request, a record search for the above-cited project was conducted by examining the official maps and records for archaeological sites and surveys in Modoc and Siskiyou Counties. The record search results are organized by 7.5' quadrangle map.

Also, the entire project area is located in the Achumawi/Pit River ethnographic territory. These people utilized the local lakes, streams, seeps, meadows, and springs for procurement of food and shelter. Big Valley, located a few miles east of the project, was used for campsites, hunting grounds, and collection of seeds and grasses for food, clothing, and shelter. The Achumawi also used the edges of lava flows to hunt marmots, which was an important food source. These lava flows also provided fortifications and refuge against enemies.

Great Northern Railroad transcontinental line was completed in 1893. James J. Hill, the president of Great Northern and known as the "Empire Builder" pushed for the railroad going out west. The

named of the railroad was changed to Great Northern in the late 1880s, early 1890s. He also became an expert of sorts on agriculture as he convinced settlers to move out west and develop farms along the railroad, which would in turn produce traffic and commerce for the railroad. He would often help the farmers by improving farming techniques. Great Northern came into California by way of Oregon. The Southern Pacific Railroad had spent \$19 million getting railroad track laid into California and Great Northern wanted to use the railroad line but Southern Pacific Railroad tried to stop them in court claiming another railroad would be wasteful duplication of resources. Oregon shippers and legislature however pushed for the court to change the decision and finally the court did and allowed Great Northern to come into California.

## **RESULTS:**

### **Donica Mountain 7.5' and Crank Mountain 15':**

T40N, R6E, Sections 35, 36

Modoc County

**Cultural Resources:** According to our records, there are no recorded archaeological sites located within project boundaries. However, there is an unrecorded scatter of lithic flakes located in the project vicinity.

The USGS Crank Mountain (1962) 15' map indicates the Great Northern Railroad and roads are located within project boundaries, and Lookout Junction, Jimmerson Mountain, wells, roads, and structures are located in the project vicinity. The Applegate/Lassen Emigrant Trails cut across the Pit River approximately 10 miles north of the town of Lookout.

**Previous Archaeological Investigations:** According to our records, no portion of the project area has been previously surveyed for cultural resources by a professional archaeologist.

### **Egg Lake 7.5' and Whitehorse 15' quadrangles:**

T40N, R5E, Sections 13, 14, 15, 22, 24

T40N, R6E, Sections 19, 29, 30, 32, 33, 34, 35

Modoc County

**Cultural Resources:** According to our records, there are no recorded sites located in the project area. However, there are unrecorded sites located immediately adjacent and may extend into project boundaries. These sites are noted as scatters of lithic flakes and tools. Additionally, there are recorded and unrecorded sites located in the project vicinity (1/8<sup>th</sup>-mile to a one-mile radius). These sites consist of scatters of lithic flakes and tools, historic cabin remains, historic railroad trestle and grade, and remains of a split rail fence.

The USGS Whitehorse (1962) 15' quadrangle indicates the Great Northern Railroad and roads are located within project boundaries, and Jimmerson Mountain, Gasper Meadows, Taylor Mountain,

Egg Lake Butte, Hazelton Spring, Noonas Spring, Marshall Spring, unnamed springs, and roads are located in the project vicinity.

**Previous Archaeological Investigations:** According to our records, no portion of the project area has been previously surveyed for cultural resources by professional archaeologists. However, registered professional foresters have surveyed portions of the project area for timber harvest plans. The reports are listed below.

Berryman, Ronald J.

1992 Archaeological and Historical Resources Survey and Impact Assessment for the Potter THP/I.C. File # K92-445/THP# 2-92-428-Mod(2) (I.C. Report # 5190). Three sites and two isolates were noted, but not recorded, as a result of this survey. One of these noted sites is located immediately adjacent to the project area.

Johnson, Peter D.

1994 Archaeological and Historical Resources Survey and Impact Assessment for the Joiner/Junction THP/THP# 2-94-205-Mod(2) (I.C. Report # 1938). Numerous sites were noted, but not recorded, as a result of this survey. None of these sites appear to be located near the project area.

Lindler, Dustin

2002 Confidential Archaeological Addendum for the Taylor Made THP/I.C. File # K02-120/THP# 2-02-196-Mod(2) (I.C. Report # 5197). Three sites were recorded, and three unrecorded features were noted as a result of this survey. One of the unrecorded features, a scatter of lithic flakes and tools, is located immediately adjacent to the project area.

**Whitehorse 7.5' and 15' quadrangles:**

T40N, R4E, Sections 1, 2

T40N, R5E, Sections 5, 6, 8, 9, 15, 16, 22

T41N, R4E, Sections 27, 34

Modoc and Siskiyou Counties

**Cultural Resources:** According to our records, there are no recorded sites located within project boundaries. There are recorded sites located in the project vicinity (1/8<sup>th</sup>-mile to a one-mile radius). These sites consist of a scatter of lithic flakes and tools, the Whitehorse Logging camp, and a barn foundation.

The USGS Whitehorse 15' quad map (1962) indicates the Loveness Logging Road, the Great Northern Railroad, and roads are located within project boundaries and Whitehorse, Whitehorse Flat Reservoir, Mosquito Lake, Barnum Flat Reservoir, a structure and roads are located in the project vicinity.

**Previous Archaeological Investigations:** According to our records, no portion of the project area has been previously surveyed for cultural resources by professional archaeologists.

However, registered professional foresters have surveyed portions of the project area for timber harvest plans. The reports are listed below.

Kroencke, Nick

1999 Confidential Archaeological Addendum for the Round Hole THP/THP# 2-99-285-Sis(2) (I.C. Report # 2946). No sites were located as a result of this survey.

2000 Confidential Archaeological Addendum for the Mosquito THP/THP# 2-00-237-Mod(2) (I.C. Report # 3100). One site was noted as a result of this survey.

Rynearson, Robert G.

1994 Archaeological and Historical Resources Survey and Impact Assessment for the Antelope Loop Timber Sale (I.C. Report # 5174). No sites were located as a result of this survey.

Ward, Bernard J.

1997 CDF Project Review Report for Archaeological and Historical Resources for the Tuft # 4 VMP/I.C. File # F94-5/Rx-2-032-LMU (I.C. Report # 2240). No sites were located as a result of this survey.

**Indian Spring Mountain 7.5' and Hambone 15' quadrangles:**

T41N, R4E, Sections 19, 20, 27, 28, 29, 30

Siskiyou County

**Cultural Resources:** According to our records, there are no previously recorded sites located within project boundaries. There is a recorded scatter of lithic flakes and tools located within the project vicinity.

The USGS Hambone 15' Map (1961) indicates a pipeline and the Great Northern Railroad are located within the project area, and Indian Spring, Whitehorse Mountains, and roads are located in the project vicinity.

**Previous Archaeological Investigations:** According to our records, a portion of the project area has been previously surveyed for cultural resources by professional archaeologists. The report is listed below.

Dames & Moore

Jermann, Jerry V. et al.

1989 Cultural Resources Inventory of the California – Oregon Transmission Project. Forty-nine archaeological/historical sites were located as a result of this survey. None of these sites appear to be located near the project area.



**Porcupine Butte 7.5' and Hambone 15' quadrangles:**

T41N, R3E, Sections 13, 14, 15, 21, 22, 24

T41N, R4E, Section 19

Siskiyou County

**Cultural Resources:** According to our records, there are no recorded sites located within project boundaries. However, there are two sites located immediately adjacent to the project area (CA-SIS-778H and CA-SIS-1057). These sites consist of a 1920s logging camp with dismantled railroad, and a scatter of lithic flakes and tools.

In addition, there are recorded sites located in the project vicinity (3/4-mile to a one-mile radius). These sites consist of a scatter of lithic flakes and tools and a historic refuse dump near old railroad grade.

The USGS Hambone 15' map (1961) indicates the Great Northern Railroad and roads are located within project boundaries and Lakin, a cinder pit, Porcupine Lake, a jeep trail, roads and structures are located in the project vicinity.

**Previous Archaeological Investigations:** According to our records, no portion of the project area has been previously surveyed for cultural resources by professional archaeologists. However, registered professional foresters have surveyed portions of the project area. The reports are listed below.

Belles, Larry

1975 Archaeological Reconnaissance Report for the Lakin, Flow, Red Hill, Deep, Crater and Lava Plantation Areas/ARR# 05-14-255 (I.C. Report # SI-L-94). No sites were located as a result of this survey.

Campbell, Donald G.

1976 Archaeological Reconnaissance for the Island # 2/ARR# 05-14-46 (I.C. Report # 538). One site was recorded as a result of this survey. This site is not located near the project area.

**Snag Hill 7.5' and Hambone 15' quadrangles:**

T41N, R3E, Sections 16, 17, 18, 19, 20, 21

Siskiyou County

**Cultural Resources:** According to our records, there are two recorded sites located within project boundaries (CA-SIS-1200H and FS# 05-14-61-533). These sites are recorded as a railroad logging camp associated with the McCloud River Lumber Company Railroad and railroad spurs associated with the McCloud River Lumber Company Railroad. Additionally, there is a recorded scatter of lithic flakes and tools located immediately adjacent to the project area (CA-SIS-822).

Also, there are numerous recorded sites located in the project vicinity (1/16<sup>th</sup> mile to one-mile radius). These sites are recorded as scatters of lithic flakes and tools, some with historic components related to the railroad and logging activity.

The USGS Hambone 15' map (1961) indicates Great Northern Railroad and roads are located within project boundaries and Chippy Spur, old railroad grade, and roads are located in the project vicinity.

**Previous Archaeological Investigations:** According to our records, a portion of the project area has been previously surveyed for cultural resources by professional archaeologists. The report is listed below.

Hoertling, Gerald

1980 Archaeological Reconnaissance Report for the Hambone Butte Timber Sale and Timber Management Compartment/ARR# 05-14-491 (I.C. Report # SI-L-179). Twenty-one cultural resources were recorded and fifteen cultural resources were noted as a result of this survey.

**Hambone 7.5' and Hambone 15' quadrangles:**

T40N, R2E, Sections 2, 3, 9, 10, 16, 21

T41N, R2E, Sections 35, 36

T41N, R3E, Sections 19, 30

Siskiyou County

**Cultural Resources:** According to our records, there are three recorded sites located within project boundaries (CA-SIS-1623H, CA-Sis-2313H, CA-SIS-2325H). One of these sites is recorded as Pondosa, known as the first permanent logging camp of the McCloud River Lumber Company and later became the Elkins Mill. The other sites consist of the historic Mayfield Road, , and the McCloud River Lumber Company Railroad system. Additionally, there is a recorded site located immediately adjacent to the project area (CA-SIS-827H). This site is a logging camp associated with the McCloud River Lumber Company.

Also, there are numerous recorded and unrecorded cultural resources located in the project vicinity (1/16<sup>th</sup> mile to a one-mile radius). These sites consist of scatters of lithic flakes and tools, a prehistoric/ethnographic campsite, historic refuse dumps, telephone line remnants, can dumps, a tent platform associated with the railroad, railroad grades, donkey engine remnants, the Hambone Logging Camp, and an unnamed logging camp.

The USGS Hambone 15' map (1961) indicates the Great Northern Railroad, and a road is located within project boundaries and Hunters Hill, Hambone Well, Hambone Siding, Mayfield Road, and the McCloud River Railroad are located in the project vicinity.

**Previous Archaeological Investigations:** According to our records, portions of the project area have been previously surveyed for cultural resources by professional archaeologists. The reports are listed below.

Dames & Moore

Jermann, Jerry V. et. Al.

- 1989 Cultural Resources Inventory of the California – Oregon Transmission Project. Forty-nine archaeological/historical sites were located as a result of this survey. None of these sites appear to be located near the project area.

Hoertling, Gerald

- 1975 Archaeological Reconnaissance Report for the North Track Plantation Project/ARR# 05-14-170 (I.C. Report # SI-L-47). No cultural resources were located as a result of this survey.  
1980 Archaeological Reconnaissance Report for the Hambone Butte Timber Sale and Timber Management Compartment/ARR# 05-14-491 (I.C. Report # SI-L-179). Twenty-one sites were recorded and twelve isolates were noted as a result of this survey.

Sarchek, Lisa

- 1979 Archaeological Reconnaissance Report for the White Deer Plantation Project/ARR# 05-14-332 (I.C. Report # 434). One site was recorded and five isolates were noted as a result of this survey. All of the cultural resources in this report are located in the project vicinity.

## LITERATURE SEARCH

Reviewed were the official records and maps for archaeological sites and surveys in Modoc and Siskiyou Counties. Also reviewed were the National Register of Historic Places - Listed Properties and Determined Eligible Properties (1988, Computer Listings 1966 through 7-00 by National Park Service), the California Register of Historical Resources (2004), California Points of Historical Interest (1992), the California Inventory of Historic Resources (1976), California Historical Landmarks (1996), Modoc and Siskiyou Counties Historic Sites (1981), Gold Districts of California (1970), www.bnsf.com, Rails in the Shadow of Mt. Shasta (1982), Historic Spots in California (1966), and the Directory of Properties in the Historic Property Data File for Modoc and Siskiyou Counties (2004).

## RECOMMENDATIONS:

Based upon the above information, the project appears to be located in areas considered to be highly sensitive for prehistoric, protohistoric, and historic cultural resources. Therefore, we recommend that a professional archaeologist be contacted to conduct an archaeological survey of the project area, and assess the significance of portions of the railroad that are to be abandoned. This person would also be able to prepare preservation/mitigation measures for the cultural

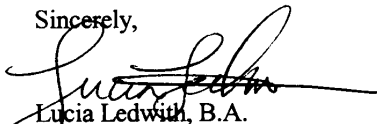
resources located within and immediately adjacent to the railroad, as well as for any cultural resources that may be encountered as a result of the cultural resources survey.

The project archaeologist should also contact the appropriate local Native American representatives for information regarding unrecorded traditional cultural properties that may be located within project boundaries for which we have no records. The project archaeologist may want to consult historic General Land Office (GLO) plat maps in order to aid in the identification of unrecorded historic resources.

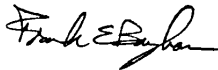
If any potential prehistoric, protohistoric, and/or historic cultural resources are encountered during any phase of project operations, all work should cease in the area of the find pending an examination of the site and materials by a professional archaeologist.

The charge for this record search is \$780.00 (7 hours of Information Center time @ \$120.00 per hour). An invoice from the CSUC Research Foundation for billing purposes will follow. Thank you for your concern in preserving California's cultural heritage, and please feel free to contact us if you have any questions or need any further information.

Sincerely,



Lucia Ledwith, B.A.  
Administrative Assistant



Frank E. Bayham, Ph.D.  
Coordinator